

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**LUIS CAMPOS, ARNOLDO MOLINA,
GONZALO VIDANOS, JOSE GARCIA, EDISON
JACHERO, and ADRIAN GOMEZ, on behalf of
themselves and all others similarly situated,**

Plaintiffs,

10 Civ 0224 (DF)

-against-

**ERIC GOODE, SEAN MACPHERSON, GARDEN
CAFÉ ASSOCIATES LLC, SULCATA CORP.
d/b/a B BAR AND GRILL, BOWERY F&B LLC,
BOWERY HOTEL LLC d/b/a GEMMA, BD
STANHOPE, LLC d/b/a MATSURI and LA
BOTTEGA,**

Defendants.

**MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT,
CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS, APPOINTMENT
OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND APPROVAL OF
THE PROPOSED NOTICE OF SETTLEMENT AND CLASS ACTION
SETTLEMENT PROCEDURE**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of the Proposed Notice of Settlement and Class Action Settlement Procedure ("Motion for Preliminary Approval") and in the Declaration of Rachel Bien in Support of Plaintiffs' Motion for Preliminary Approval ("Bien Decl."), Plaintiffs respectfully request that the Court enter an Order:

- (1) granting preliminary approval of the Joint Stipulation of Settlement and Release ("Settlement Agreement"), attached as Exhibit B to the Bien Decl.;
- (2) conditionally certifying the following settlement class under Fed. R. Civ. P. 23(a) and (b)(3) for purposes of effectuating the settlement:

All individuals who work or worked at B Bar & Grill, Gemma, La Bottega, and/or Matsuri as cooks, dishwashers, servers, bussers, runners, porters, and/or receivers from January 1, 2004 through December 31, 2009 and whose names are listed on the class lists provided to Class Counsel prior to the execution of the settlement agreement and any others who fall within the above definition but whose names were inadvertently left off the lists with the approval of counsel for the parties, but shall exclude Sonam Wangdak, Sangay Dorjee, Dhondop Tenpa, and Mingyur Dorje.

- (3) appointing Outten & Golden LLP as Class Counsel;
- (4) approving the Proposed Notice of Settlement of Class Action Lawsuit and

Fairness Hearing, attached to the Settlement Agreement as Exhibit A, and directing its distribution;

- (5) approving the parties' joint proposed schedule for final settlement approval; and
- (6) granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court's convenience.

Dated: October 18, 2010
New York, New York

Respectfully submitted,
OUTTEN & GOLDEN LLP
By:

/s/ Rachel Bien
Rachel Bien
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Attorneys for Plaintiffs and the Putative Class